

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Todd Shackleford and)
Martha Woolery,)
)
On Behalf of Themselves and) Case No.: 12-cv-4065-FJG
All Others Similarly Situated,)
)
Plaintiffs;)
vs.)
)
Cargill Meat Solutions Corporation,)
)
Defendant.)

**SUPPLEMENTAL MOTION AND MEMORANDUM FOR
APPROVAL OF ATTORNEYS' FEES & COSTS**

COME NOW the Plaintiffs, Todd Shackleford and Martha Woolery (“Plaintiffs”), by and through their counsel of record, and hereby file their Supplemental Motion and Memorandum for Approval of Attorneys’ Fees and Costs in the above-captioned matter.

I. Introduction.

By order date January 17 2013, the Court approved the Parties’ Joint Motion for Approval of Settlement. (Doc. No. 39). In that order, as to Plaintiffs’ Motion for Approval of Attorneys’ Fees, the Court ordered Plaintiffs’ Counsel to provide additional information, in the form of a Supplemental Motion for Approval of Attorneys’ Fees, on or before February 1, 2013. Specifically, the Court stated that the Supplement Motion for Approval of Attorneys’ Fees “shall include detailed time records and affidavits attesting to the time spent on this case and the reasonableness of the hourly fees requested.” (Doc. No. 39, p. 7).

II. The Requested Fees and Costs.

The Plaintiffs are seeking Court approval of fees and costs in the total amount of \$47,000.00. Of that total amount, \$704.50 is for costs and expenses incurred in prosecuting this action. Attached hereto as Exhibit 1, is a summary of Plaintiffs' expenses in this case. After deducting such costs, the requested attorneys' fees amount to \$46,295.50.

As detailed below, the attorneys' fees incurred by Plaintiffs in this case, calculated on a loadstar basis, amount to \$ 43,815.00, as of January 31, 2013.

III. The Hours Devoted to this Case By Plaintiffs' Counsel.

Attached hereto as Exhibit 2 are the detailed time entries of Plaintiffs' attorneys and paralegals. Attorney Mark Kistler has devoted 111.60 hours to this case; Paralegal Layne Aingell has devoted 52.20 hours to this case; Paralegal Kathy Corcoran has devoted 22.75 hours to this case; and Paralegal Danielle Shirley has devoted .5 hour to this case.

Attached hereto as Exhibit 3 is an affidavit of Michael Brady attesting to the timekeeping system of Brady & Associates.

IV. The Hourly Rates of Attorneys and Paralegals.

Attached hereto and marked as Exhibit 4 is an affidavit of Michael Downey dated November 21, 2012 that Mr. Downey provided in a another FLSA collective/class action settlement in this District. Mr. Downey is one of the foremost experts in the local region concerning legal ethics related to billing practices of lawyers, particularly in the Kansas City and St. Louis areas. (Exhibit 4, ¶¶ 2, 3, and 6). Mr. Downey opines and explains that the hourly rates of \$325 for Mr. Kistler, and \$100 for paralegal work, are reasonable, within the range of prevailing rates, and are in fact "lower than the hourly rates billed to defendant corporate

employers by Kansas City defense attorneys with comparable employment and trial experience[.]” (Exhibit 4, ¶¶ 9 through 12).

V. The Loadstar Calculation.

The chart below shows the loadstar calculation of the Plaintiffs’ fees incurred in this case, based on the hours devoted through November 1, 2012, and the reasonable rates discussed above:

Attorneys	Hours	Rates	Fee
Mark A. Kistler	111.60	\$325.00	\$36,270.00
Paralegals	Hours	Rate	Fee
Kathy Corcoran	22.75	\$100.00	\$2,275.00
Layne Aingell	52.20	\$100.00	\$5,220.00
Danielle Shirley	.50	\$100.00	\$50.00
Total			\$43,815.00

As such, the loadstar calculation of Plaintiffs’ attorneys fees incurred as of January 31, 2013 is within \$2,480.50 of the requested fee of \$46,295.50. Furthermore, after the “opt in” notices regarding the settlement go out to class members, Plaintiffs’ Counsel will devote substantial additional time to this case in the administration of the settlement fielding telephone calls from class members.

WHEREFORE, the Plaintiffs respectfully request that this Court enter an Order Granting Approval of Plaintiffs’ Counsels’ fees and costs, as provided herein.

Respectfully Submitted,

BRADY & ASSOCIATES

/s/ Mark A. Kistler

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

Plaintiffs hereby certify that a true and correct copy of the above and forgoing was sent on February 1, 2013 via the U.S. District Court for the Western District of Missouri CM/ECF requirements and all standing orders to:

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